

EXHIBIT B

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

-----X INDEX NO.: 712480/2023

HECTOR TINEO,

Plaintiff,

VERIFIED ANSWER

-against-

HESY DIAMOND, LLC, COCI CONSTRUCTION, INC.
and CUSTOMBUILT HOMES INC.,

Defendants.

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Defendants, HESY DIAMOND, LLC, COCI CONSTRUCTION INC. and CUSTOMBUILT HOMES INC., through their attorneys, GALLO VITUCCI KLAR LLP answering the Verified Complaint of Plaintiff, respectfully state and allege, upon information and belief as follows:

FIRST CAUSES OF ACTION

1. Deny any knowledge or information sufficient to form a belief as to the allegations contained in paragraphs "1" and "4" of the Verified Complaint.
2. Admit each and every allegation contained in paragraph "2" of the Verified Complaint.
3. Admit upon information and belief each and every allegation contained in paragraphs, "3", "11", "12", "13", "14", "16" and "17" of the Verified Complaint.
4. Deny upon information and belief each and every allegation contained in paragraphs "5", "6", "7", "8", "9", "18" and "19" of the Verified Complaint.

5. Deny each and every allegation contained in paragraph “10” of the Verified Complaint, except admit that on October 12, 2021, HESY DIAMOND, LLC, owned the premises located at 490 Lorimer Street.

6 Admit upon information and belief each and every allegation contained in paragraph “15” of the Verified Complaint, but deny upon information and belief all allegations as to the sidewalk in the paragraph.

7. Deny each and every allegation contained in paragraphs “20”, “21”, “23”, “24” and “25” of the Verified Complaint.

8. Deny any knowledge or information sufficient to form a belief as to the allegations contained in paragraph “22” of the Verified Complaint only as to allegations as to whether plaintiff was lawfully on the premises and deny all other allegations in the paragraph.

9. Deny each and every allegation contained in paragraphs “26”, “27” and “28” of the Verified Complaint and refer all questions of law to the Court.

SECOND CAUSE OF ACTION

10. Answering paragraph numbered “29” of the Verified Complaint, defendants, HESY DIAMOND, LLC, COCI CONSTRUCTION INC. and CUSTOMBUILT HOMES INC., repeats reiterate and reallege each and every response contained in paragraphs “1” through “9” of this Verified Answer.

11. Admit each and every allegation contained in paragraph “30” of the Verified Complaint.

12. Admit upon information and belief each and every allegation contained in paragraph “31” of the Verified Complaint.

13. Deny any knowledge or information sufficient to form a belief as to the allegations contained in paragraph “32” of the Verified Complaint.

14. Deny upon information and belief each and every allegation contained in paragraphs “33”, “34”, “35”, “36” and “37” of the Verified Complaint.

15. Deny each and every allegation contained in paragraphs “38”, “39”, “40”, “41”, “42”, “43”, “44”, “45”, “46”, “47”, “48”, “49”, “51”, “52” and “53” of the Verified Complaint.

16. Deny any knowledge or information sufficient to form a belief as to the allegations contained in paragraph “50” of the Verified Complaint only as to whether plaintiff was lawfully on the premises and deny all other allegations in the paragraph.

17. Deny each and every allegation contained in paragraphs “54”, “55” and “56” of the Verified Complaint and refer all questions of law to the Court.

THIRD CAUSE OF ACTION

18. Answering paragraph numbered “57” of the Verified Complaint, defendants, HESY DIAMOND, LLC, COCI CONSTRUCTION INC. and CUSTOMBUILT HOMES INC., repeats reiterate and reallege each and every response contained in paragraphs “1” through “17” of this Verified Answer.

19. Admit each and every allegation contained in paragraph “58” of the Verified Complaint.

20. Admit upon information and belief each and every allegation contained in paragraph “59” of the Verified Complaint.

21. Deny any knowledge or information sufficient to form a belief as to the allegations contained in paragraph “60” of the Verified Complaint.

22. Deny upon information and belief each and every allegation contained in paragraphs “61”, “62”, “63”, “64” “65”, “67”, “68”, “69”, “70”, “71”, 72”, “73”, “74” and “75” of the Verified Complaint.

23. Deny each and every allegation contained in paragraphs “66”, “76”, “77” “79”, “80” and “81” of the Verified Complaint.

24. Deny any knowledge or information sufficient to form a belief as to the allegations contained in paragraph “78” of the Verified Complaint only as to whether plaintiff was lawfully on the premises and deny all other allegations in the paragraph.

25. Deny each and every allegation contained in paragraphs “82”, “83” and “84” of the Verified Complaint and refer all questions of law to the Court.

AFFIRMATIVE DEFENSES

Without otherwise assuming a burden not otherwise imposed by law, the answering Defendant sets forth the following affirmative defenses:

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

26. The personal injuries alleged to have been sustained by the Plaintiff were caused entirely or in part as a result of the culpable conduct attributable to the Plaintiff and the Defendants, HESY DIAMOND, LLC, COCI CONSTRUCTION INC. and CUSTOMBUILT

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